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EXAMINER

LEE, WILSON

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/823,470
Filing Date: April 13, 2004
Appellant(s): CAMPBELL ET AL.

CAMPBELL et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/8/08 appealing from the Office action mailed 3/17/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on 7/8/08 has not been entered.

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

Claim 1 contain(s) substantial errors as presented in the Appendix to the brief. Accordingly, claim 1 is correctly written in the Appendix to the Examiner's Answer. Other appealed claims (Claims 2-10) contained in the Appendix to the brief is correct.

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1. A computer system comprising:

computer-readable media,

a computer-executable reader program for rendering information in a computer-readable document file in human-cognizable form, said reader program being stored on said computer-readable media, said reader program including

a document parser for identifying a remote network location on a remote network site not including said computer system and specified by an original version of said document file stored on said computer system,

a network interface for accessing an updated version of said document file via said network location, and

a renderer for causing information in said updated version to be rendered in human-cognizable form.

(8) Evidence Relied Upon

US Patent Application

NELSON

12-2004

Publication 2004/0246946

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The rejections have been made in record.

Claim Rejections – 35 U.S.C. 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

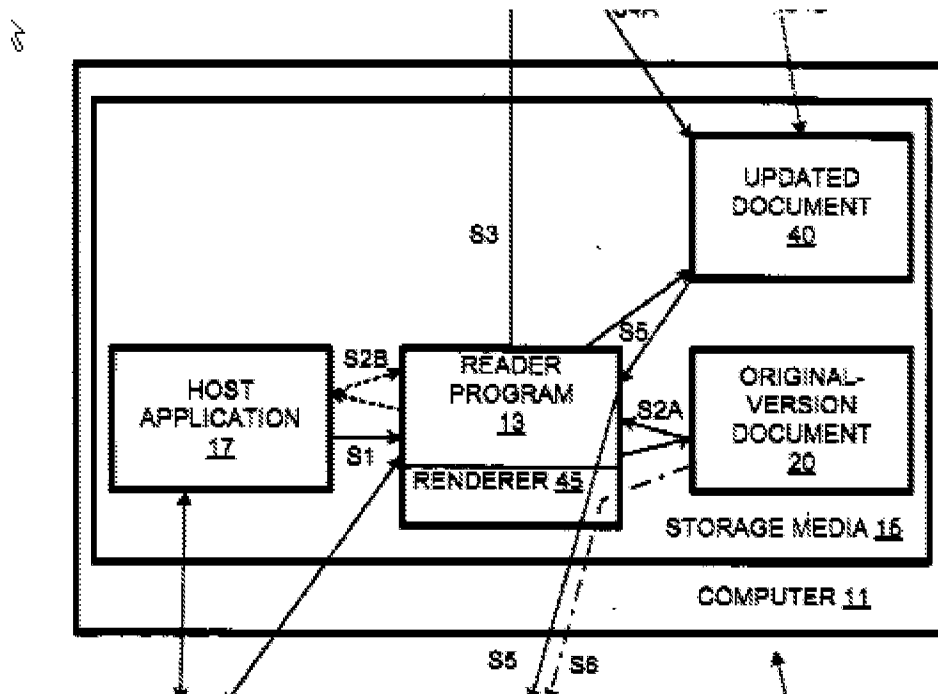
In claim 1, line 7-10, “a document parser for identifying a remote network location on a remote network site not including said computer system, and specified by an original version of said document file stored on said computer system” has not been taught or disclosed in the specification to enable one skilled in the art to make/use the invention.

In claim 6, lines 8-9, “said updated version having updated information said updated version being stored, on a remote network site not including said computer system” has not been taught or disclosed in the specification to enable one skilled in the art to make/use the invention.

The above limitation is not taught or supported by the specification neither.

By contrast, Figure 1 of the instant application shows:

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As shown above, it clearly indicates that the updated document 40 is stored at the computer 11 as well.

In order to expedite the prosecution, Claim 6 is still examined in the best interpretation but "updated version being stored on a remote network site not including said computer" is in doubt because the disclosure teaches differently.

Claims 2-5, 7-10 are rejected by virtue of their dependency on claims 1 and 6 respectively.

Claim Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

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by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-10, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Nelson et al. (US Publication 2004/0246946).

Regarding Claim 1, as best understood, Nelson discloses a computer system comprising:

computer-readable media (display) (See fig. 1),

- a computer executable reader program ("Microsoft Internet Explorer") (fig. 3) for rendering information in a computer readable document file in human-cognizable form, said reader program being stored on said computer-readable media, said reader program including
 - o a document parser ("Web browser", paragraph 0031) for identifying a remote network location (all web pages have "URL". Also see paragraph 0031) specified by an original version (Note: original version is interpreted as a version of the index or home page which it is accessed by the client for the first time, paragraphs 0031-0034) of said document file (html file) stored on the computer system (the Cache or

RAM at the computer inherently stores the web page temporarily for display);

- a network interface (“internet”) (fig. 1) for accessing an updated version (Note: updated version is interpreted as a version of the index or home page which is accessed by the client after the first time. The server then constructs an HTTP response message upon receiving the client’s request. Company’s home page is always updated periodically) of said document file via said network location (“selecting a HyperText link to that URL..”) (paragraphs 0031-0034); and
- a renderer (“router”, fig. 1) for causing information in said updated version to be rendered in human-cognizable form (“human-readable text, html document..”) (paragraph 0034).

Regarding Claim 2, Nelson discloses that said reader program further includes a host interface for receiving a help request from a local version of a host application (“a user may also access a user guide (help page)..” is considered as a help request. (See paragraphs 0047, 0052), said document file being a help file for said host application (the help file will be presented on the company’s web page) (fig. 6), said updated version of said document file being a more recent version of said help file (fig. 6) for a more recent version of said host program (the help file will be presented on the company’s web page).

Regarding Claim 3, Nelson discloses that said document is in pdf or html format (See paragraph 0034).

Regarding Claim 4, Nelson discloses that said reader program further includes a host interface for receiving a help request from a local version of a host application (such act of “a user may also access a user guide (help page)...” is considered as a help request. (See paragraphs 0047, 0052), said document file being a help file (texts, images, animations or other help will be presented to user on the web page when user selects the user guide) (paragraph 0052, fig. 6) for said host application, said updated version of said document file being a more-recent version of said help file (fig. 6) for said local version of said host application (the help file will be presented on the company’s web page).

Regarding Claim 5, Nelson discloses that said host interface also provides for receiving a version identification (“version identification” is interpreted as a response from the server) for said host application from said host application (from the server) (See paragraphs 0031-0034, 0047, 0051).

Regarding Claim 6, as best understood, Nelson discloses a computer-implemented method comprising:

- accessing an original version (Note: original version is interpreted as a version of the index or home page which it is accessed by the client for the first time) of a document file (i.e. html file) stored on a computer (the Cache at the client computer inherently stores the web page temporarily for display), said original version of said document file specifying a network location (URL) (paragraph 0031),

- accessing an updated version (Note: updated version is interpreted as a version of the index or home page which is accessed by the client after the first time. The server then constructs an HTTP response message upon receiving the client's request. Company's home page is always updated periodically) of said document file via said network location ("selecting a HyperText link to that URL.."), said updated version having updated information (inherent feature) (See paragraphs 0031-0034), and
- rendering said updated information in human-cognizable form ("human-readable text, html document..") (paragraph 0034).

Regarding Claim 7, Nelson discloses the method further comprising receiving a help request from a local version of a host application ("a user may also access a user guide (help page)..." is considered as a help request. (See paragraphs 0047, 0052), said accessing an original version (the index or home page which is accessed by the client for the first time) occurring in response to said help request (texts, images, animations or other help will be presented to user when user selects the user guide) (paragraph 0052), said updated version corresponding to a more-recent version of said document file for a more-recent version of said host application (the help file will be presented on the company's web page) (fig. 6).

Regarding Claim 8, Nelson discloses that said document is in html or pdf format (See paragraph 0034).

Regarding Claim 9, Nelson discloses the method further comprising receiving a help request from a local version of a host application (such act of "a user may also

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access a user guide (help page)...” is considered as a help request. (See paragraphs 0047, 0052), said accessing an original version (the index or home page which is accessed by the client for the first time) occurring in response to said help request (texts, images, animations or other help will be presented to user when user selects the user guide) (paragraph 0052), said updated version corresponding to a more-recent version of said document file for said local version of said host application (the help file will be presented on the company’s web page) (fig. 6).

Regarding Claim 10, Nelson discloses the method further comprising receiving version identification (“version identification” is interpreted as a response from the server) for said host application from said host application (from the server) (See paragraphs 0031-0034, 0047, 0051).

(10) Response to Arguments

Argument #1

Appellant alleges that Claim 6 requires (shown in the brief, paragraphs [12] to [15]).

- 1) a network site;
- 2) a computer system that is not included in the network site;
- 3) an updated version (of a document) on the network site.

Examiner respectfully disagrees.

In the Appendix, the appealed claim 6 is written as follows:

6. (previously presented) A computer-implemented method comprising:
accessing an original version of a document file stored on a computer system,
said original version of said document file specifying a network location;

accessing an updated version of said document file via said network location, said updated version having updated information, said updated version being stored on a remote network site not including said computer system; and
rendering said updated information in human-cognizable form.

As shown above, Claim 6 requires accessing the updated version of the document file via the network location. It does not require the updated version of the document on the network site. The claimed limitation in Claim 6 is inconsistent with the argument.

Argument #2

Appellant alleges that Claim 6 requires the document parser (shown in the brief, paragraph [19]).

Examiner respectfully disagrees.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Document parser) is not recited in the rejected claim 6. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Argument #3

Appellant alleges that Examiner may be ignoring the dimension of time and explained that, in the instant invention, when the update file is first accessed, it is located on the network site and not on the computer; and when the update file is

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rendered, the copy that is rendered can be on the computer system. (shown as paragraphs [22] to [23] in the brief)

Examiner respectfully disagrees and is not persuaded.

Claims 1 and 6 do not include any when-clause or "before and after" condition to render a dimension of time. For instance, Claim 6 merely states:

"accessing an updated version of said document file via said network location, said updated version having updated information, said updated version being stored on a remote network site not including said computer system"

It does not equate to "when the update file is first accessed, it is located on the network site and not on the computer; and when the update file is rendered, the copy that is rendered can be on the computer system."

It merely discloses the accessed updated version is from or via a network location and the updated version is stored on a remote network but not including the computer system.

No when-clause, "first accessed", before/after-clause, are found in the claim.

Argument #4

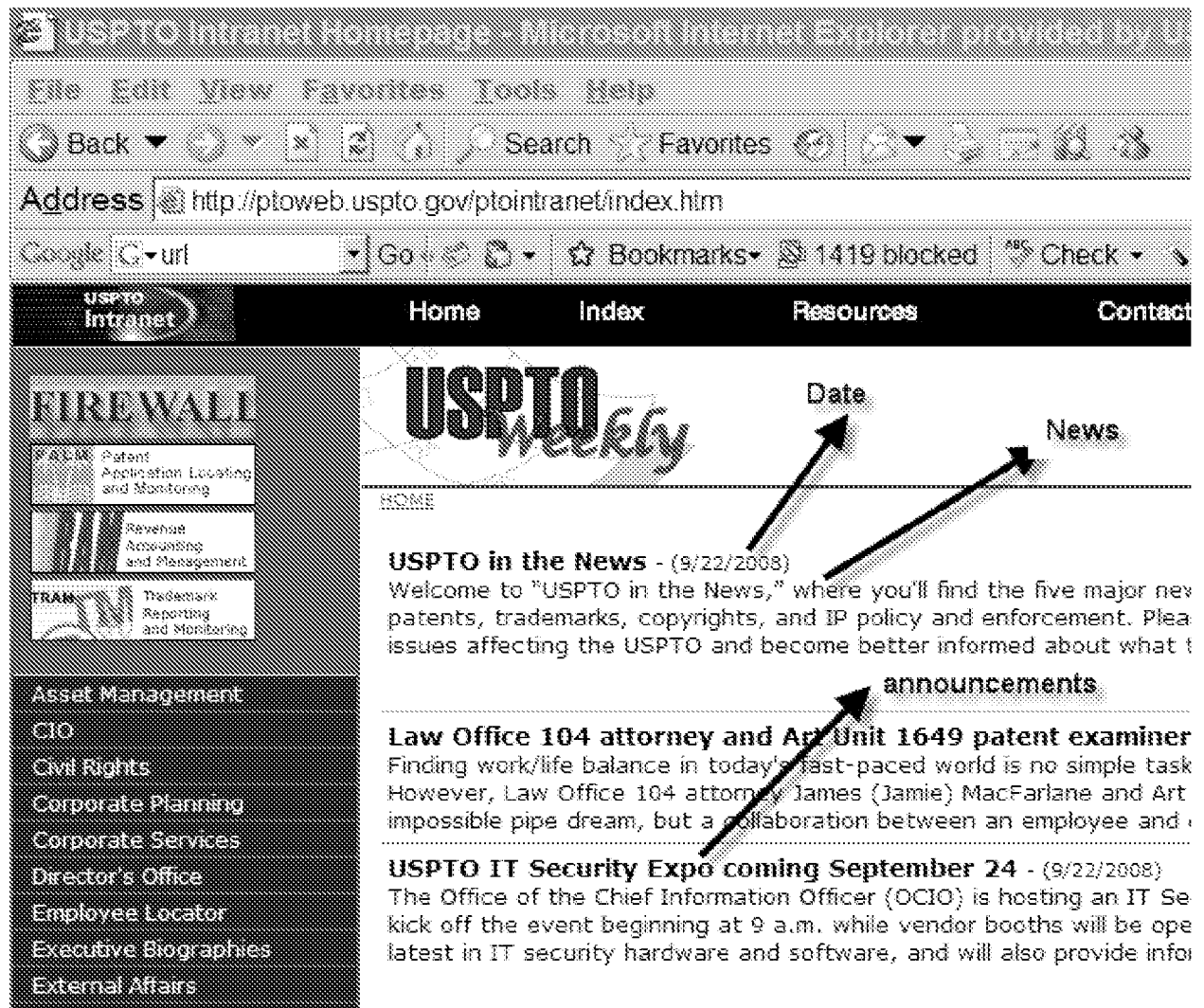
Appellant argues that Nelson fails to disclose "updated version of said document files". (shown as paragraphs [27], [29], [32] in the brief). Appellant states that a company home page in Nelson does not appear to teach that it is updated, periodically or otherwise and Nelson, paragraph 53, mentions updates to the contents of an IP phone, but not updates to a company's index or home page.

Examiner is not persuaded.

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Company's home page is inherently updated because Company's home page must comprise the current date/time, announcements, news, advertisements, etc. No Company's home page has not ever been changed or updated.

For example, in **USPTO** home page:

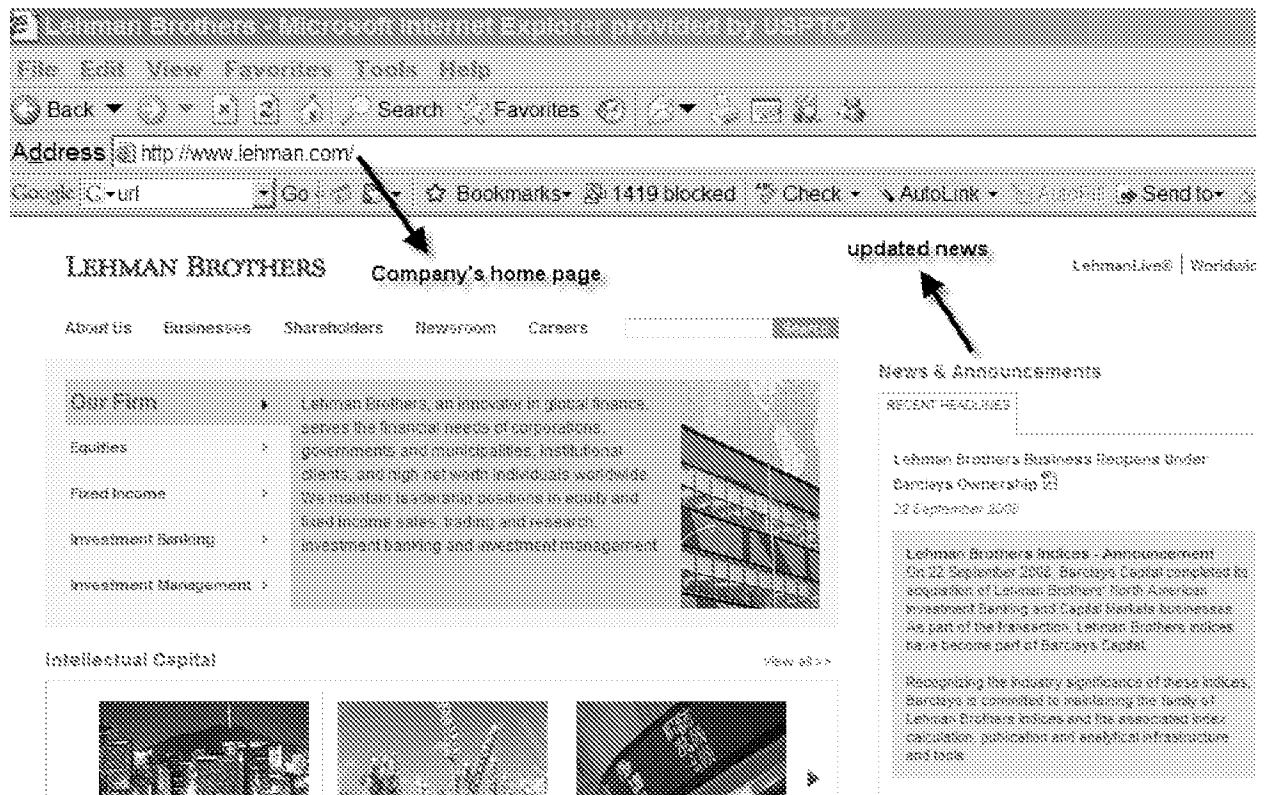


Company's home page is always updated. Date, News, announcements are always updated and very common on the Company's home page. The html document

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will be updated or changed corresponding to the updated Date, News, Announcements in order to displayed at client or user computer.

Another example, in **Lehman brothers** Home page:



Home page being updated is very common.

Argument #5

Appellant alleges that the Final Action wrongfully suggests that a browser operates by transferring (downloading) an html file, and the Final Action fails to disclose that the company home page is even temporarily stored on a computer running Microsoft Internet Explorer. (shown as paragraphs [27] to [40].)

Examiner is not persuaded.

First, Examiner has not used the wording such as “transferring” or “downloading” an html file. Examiner explains that the document file (i.e. html file) is temporarily stored on Cache at the client computer for display. Such knowledge is commonly known to a skilled in the art.

For example, the following is **USPTO's** home page.

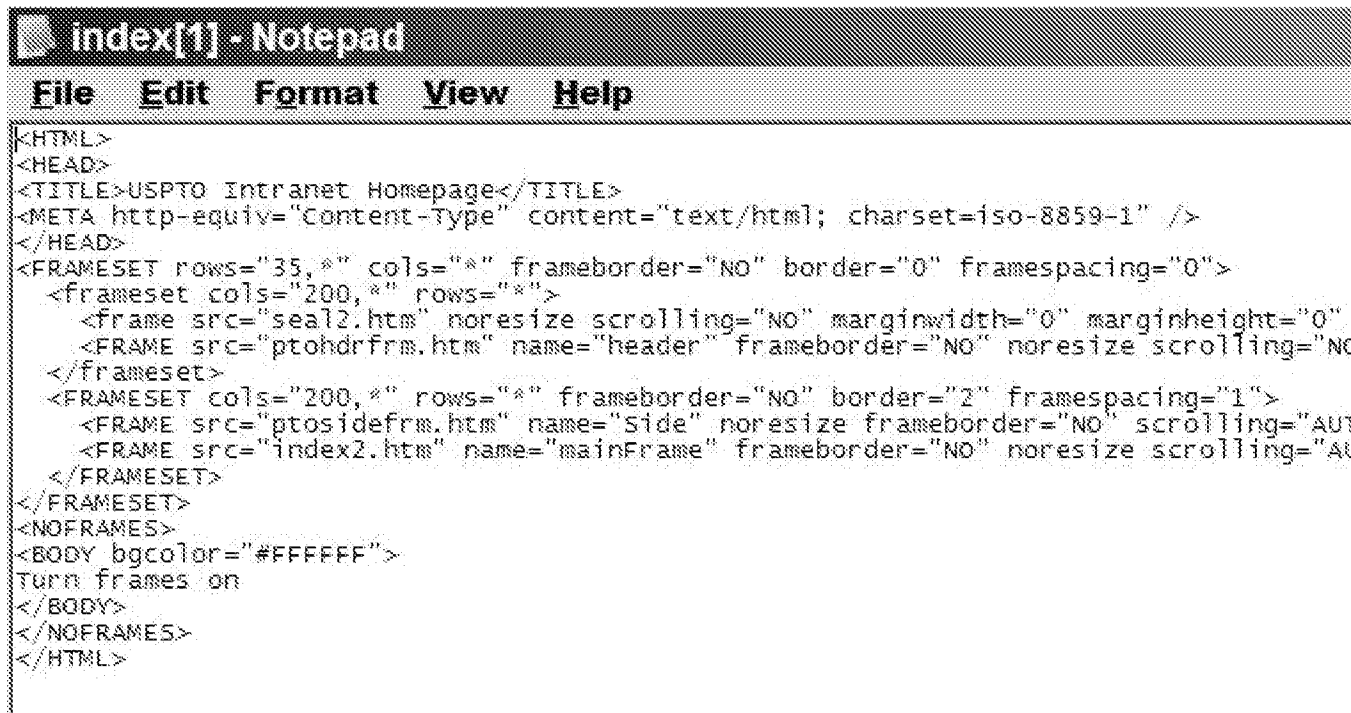


Click on “**View**”

After “**View**” is clicked, other options can be chosen such as: Toolbar, Status Bar, Explorer Bar, Go To... etc. and **Source**, Private Report, Full Screen.

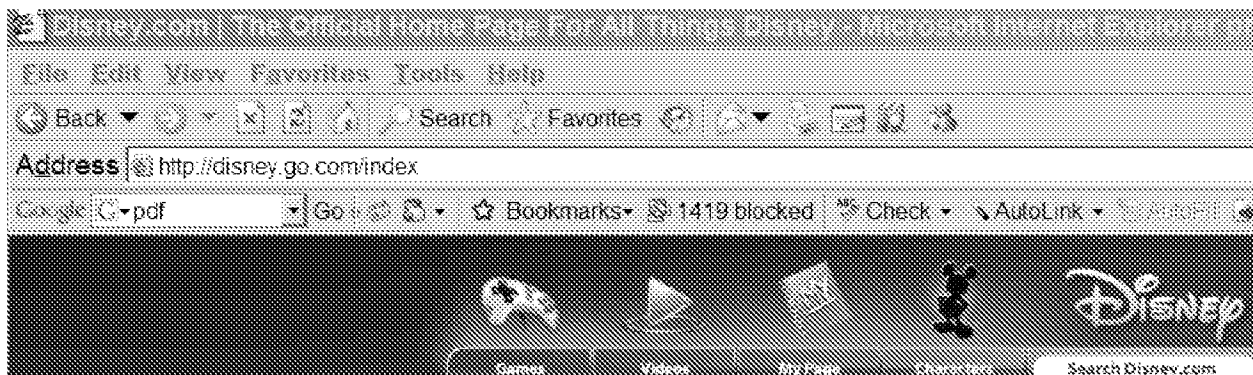
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Then click on **"Source"** under **"View"**. Then the HTML file is shown on Notepad. See below.



```
<HTML>
<HEAD>
<TITLE>USPTO Intranet Homepage</TITLE>
<META http-equiv="Content-Type" content="text/html; charset=iso-8859-1" />
</HEAD>
<FRAMESET rows="35,*" cols="*" frameborder="NO" border="0" framespacing="0">
  <frameset cols="200,*" rows="*">
    <frame src="seal2.htm" noresize scrolling="NO" marginwidth="0" marginheight="0">
    <FRAME src="ptohdrfrm.htm" name="header" frameborder="NO" noresize scrolling="NO">
  </frameset>
  <FRAMESET cols="200,*" rows="*" frameborder="NO" border="2" framespacing="1">
    <FRAME src="ptosidefrm.htm" name="Side" noresize frameborder="NO" scrolling="AU">
    <FRAME src="index2.htm" name="mainFrame" frameborder="NO" noresize scrolling="AU">
  </FRAMESET>
</FRAMESET>
<NOFRAMES>
<BODY bgcolor="#FFFFFF">
Turn frames on
</BODY>
</NOFRAMES>
</HTML>
```

Another example, from **Disney** home page:



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After clicking on **Source**, the html file of Disney's home page is shown:

```

index(1) - Notepad
File Edit Format View Help
<!DOCTYPE HTML PUBLIC "-//W3C//DTD HTML 4.01//EN" "http://www.w3.org/TR/html4/strict.dtd">
<html>
<head>

<title>Disney.com | The Official Home Page For All Things Disney</title>
<link rel="stylesheet" type="text/css" href="http://a.dolimg.cc
<link rel="stylesheet" type="text/css" href="http://a.dolimg.com/css/dcom/print

<script type="text/javascript" src="http://a.dolimg.com/js/dcom
<script type="text/javascript" src="http://a.dolimg.com/js/dcom/flash.js"></scr
<script type="text/javascript" src="http://a.dolimg.com/js/dcom/global.js"></sc
<script type="text/javascript" src="http://a.dolimg.com/js/dcom/efsp.js"></scri
<script type="text/javascript" src="http://a.dolimg.com/js/dcom/mbox.js"></scri

<meta name="Description" content="Disney.com offers movies, TV, games, music, live ever
<meta name="Keywords" content="Disney, Disney.com, Disney Online, Walt Disney company, Disney g
<meta name="AUTHOR" content="Disney.com Network">
<meta name="Robots" content="index, follow">
<meta name="verify-v1" content="HgOF+GM77dRTj2q1jXNe2o3+1CxG2pbba3auCzsg9Q=">
<meta name="verify-v1" content="vIwdwRCxdLVhI3DsfXINmZhFMvvgtIOgKI+ZIrivihM=">
<meta name="verify-v1" content="EP0KwZ2MLrV0OzwqRt9YtEd2OG5U6URBIAF224DrE9M=">
<meta name="msvalidate.01" content="0D0433BA81E547829084D6203DD60909">
<meta name="y_key" content="80c0fea7e59a9060">
<meta name="msvalidate.01" content="C2B551F7F82F4384892DF6F53434EC7A">
<meta name="y_key" content="34e46bdb81aa2838">

<style type="text/css">
/* hide from ie on mac \*/
html {
    height: 100%;
    overflow: auto;
}

#flashcontent {
    position: absolute;
    top: 0px;
    left: 0px;
    height: 100%;
    width: 100%;
}
/* end hide */

body {
    height: 100%;
    margin: 0;
    padding: 0;

    background-color: #06092a;
    line-height: 0;
}

```

As shown above, the html file of Company's home page can be accessed and temporarily stored at client computer or user computer by simply making a few clicks.

Argument #6

Appellant argues that Nelson does not teach "a help request from a local version of a host application." by pointing out a help page in Nelson is not a help request. (shown as paragraph [43] in the brief).

Examiner respectfully disagrees.

Examiner does not equate "help page" to "help request". Examiner considers "a user access a user guide (help page)", such action of accessing is a help request. User must request help so that user accesses the user guide (help page). Such action, accessing or clicking on the help page is a request. The host interface receives this "access" or "clicking" and provides the content of the help page.

Argument #7

Appellant argues that Nelson fails to disclose "the original version of the document file specify a network location." (shown as paragraph [53] in the brief).

Examiner is not persuaded.

The document file (Company's home page) inherently has a URL that locates the domain name or IP address on the Internet. Note that URL stands for Uniform Resource Locator. All web sites including Company's home page has a URL for locating itself in the Internet so that it can be browsed by users.

Further, Appellant admits that in paragraph [57] of the brief, "Of course, the home page has a network location that can be entered into a browser."

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Argument #8

Appellant alleges that "the home page need not specify its own network location".

However, appellant does not explain any reason why.

As discussed above, all web sites including Company's home page has a URL in order to locate itself in the Internet so that it can be browsed by users.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Wilson Lee/

Primary Examiner, Art Unit 2163

Conferees:

/don wong/

Supervisory Patent Examiner, Art Unit 2163

/Charles Rones/

Supervisory Patent Examiner, Art Unit 2164